

Municipal Council Meeting Minutes  
Town Hall Auditorium  
August 10, 2004 7:00PM

Pledge of Allegiance Councilor Woodsom

Roll Call: Robert D. Woodsom, Roger Benson, Ann Connolly King, Esther F. Headley, Anne C. Larnard, Christopher G. Lawrence, Mario J. Pinierio and Joseph W. McMilleon  
James D. Chandler not present

Accept the June 17, 2004 Councilor Benson, Councilor Pinierio second – Voted unanimous

Councilor Pinierio – I have started a care package organization for the troops over in Iraq. I am doing that with the Veterans Agent and Pam at the Senior Center. I was on WNBP last week. I got a call from Wal-Mart they want to get involved in it too. I am not getting much in the boxes in the Town Hall and Annex. I know Amesbury has always been very generous in helping people in the community. I know I have done it over at Our Neighbors Table and I would like to say please people help the troops. They are in the desert; they need wipes and snack foods. I will also take money because it costs a dollar a pound to send it over there. Anything that you people can do I would appreciate it. Someone from Lowell just contacted me today and his company is going to send over \$250 to help send those packages. Please give us the merchandise for the troops.

President McMilleon – If there are no objections I would like to allow George French to give us an update on the High School project.

George French – Alexandria got off to a slow start but has picked up over the past 3 weeks. Deadline #1 comes up next Friday, August 20<sup>th</sup>, all the temporary classrooms and support areas should be completed along with the areas in the Middle school to receive the 9<sup>th</sup> graders. Deadline #2 – asbestos abatement is 95% complete in phase I and the demolition group is right behind them at about 40% complete. We are in good shape in Phase I of the building. Building E, the large addition on the left side of the building is several weeks behind schedule. It is not due for completion until next summer. We will be monitoring this and will take action if we have to.

## **PUBLIC COMMENT**

Len Johnson, 48 Main Street – The Library Trustees and Friends of the Library has been working on this project for about 5 years. There are 3 phases to this project. First the state which has agreed to fund part of the project, the Provident Bank which is contributing a million dollars along with several other benefactors and the third part is the council to authorize the borrowing of the money. Now is the time to do this and I ask you to vote tonight.

David Perley, 1 Cross Street – Mr. Perley feels this should go on the ballot.

Ben Johnson, 23 Madison Street – Mr. Johnson is not against the library, just the financing of it now. People are moving out of town because they can't afford the taxes.

Claude Gonthier, 112 Kimball Road – Mr. Gonthier is not for taking down the stack wing and feels that it can be converted. Does not want to just accept the building design presented he feels it is ugly.

Ann Iacobucci, 5 Hillside Ave. – Ms. Iacobucci reads a newspaper article that is in part against Ann Beha Architects and her designs of libraries. She feels that the Board of Library Trustees did not ask for community input into the renovation of the library and did not hold a public hearing; only an open

house. She feels that the Board of Library Trustees is pushing their design on the community with out community input.

Michael Greaney, 50 Orchard St. – Mr. Greaney phoned 80 people and only 4 people were for the library. People are very nervous about the tax situation in town. He feels the design was made with no regard to the historical aspect of the existing building.

Maura Lynch, 12 Unicorn Circle – Ms. Lynch wants the council to consider the issue at hand; the 3.6 million funding for the library. It is time for the council to make a decision tonight and she hopes it is a positive one.

John Iacobucci, 5 Hillside Ave. – Mr. Iacobucci passes out and displays his ideas on the renovation of the library which is a little smaller and would probably cost less because there is only one small building and no demolition. He would like to save the stack wing and build an addition on to it that resembles the front of the building. He does not like the shoe box like design presented by Ann Beha Architects.

Patty Hoyt, 33A Pleasant Valley Rd. – Ms. Hoyt addresses the issue that has come up in the past as to why we are renovating the library while we are renovating the High School library. She explains that the materials selected for a High School library are curriculum connected while the public library's mission is different; it is there for the entire community. She encourages the council to vote tonight and move forward with this project.

Jack Luz, 39 Macy Street – Mr. Luz feels that he has heard information that is erroneous relating to the support beams, that the esthetic beauty of the ceiling has been totally ignored and that the amount of space need has been over estimated. Mr. Luz passes out pictures of the ceiling to the councilors and goes on to explain each one.

Carol Feingold, 58 Market Street – Ms. Feingold feels Amesbury deserves a library that is accessible to all its citizens and up to date. She urges the council to vote tonight.

Tom Iacobucci, 10 Birchmeadow Rd.- Mr. Iacobucci wants to see a financial analysis for this project before money is spent that address funding and the effects on the tax rate. Does not want promises with out facts to back them up. He is for the library but not for the proposed design.

Michelle Thone, Hunt Rd. – Ms. Thone does not want the council to vote 5.1 million dollars more to the debt and \$180,000 plus to the bottom line on the budget for the next 20 years. There are many more projects that need to be funded.

Laura Buckley, 287 Lions Mouth Rd. – Ms. Buckley feels if there are a problems with the design of the library there are places to go to address that issue. Tonight is about funding of the library and its future. Many of the libraries in our area have been renovated.

Chris York, 13 Warren Ave. - Mr. York states other communities do not have our tax burden and it is important to take that into consideration. He feels that if this project was thought about for many years, the town's portion of the funds should be sitting in a stabilization fund. He asks the council not to incur additional debt for the tax payers.

Annette Denietolis, 21 Orchard Street – Ms. Denietolis states promises were made with the High School bond that were not kept and Governor Romney is saving us. The predominant number of people in favor for the library work for the town of Amesbury.

Gerard Dionne, 8 Huntington Ave. – Mr. Dionne feels the councils mind is made up and that next year there will be new faces on the council.

Marc Deschenes, 1 Highland Street – Mr. Deschenes is grateful for all the citizens that have turned out and participated on both sides of the issue. Now that we have participation he hopes the council will hear what they have to say and truly represent the taxpayers. The town has got to stop spending, make cuts and start planning for the future. There is no mechanism in place by which the bond gets paid down regardless of the amount of private money.

Pam Fenner, 8 Winkley St. – Ms. Fenner feels that it is the responsibility of the council to make its decision on projects in much longer terms; two or three generations out, than the people that come to express their opinions either for or against tonight. She is worried that if the library is not done at this time it will be 5 or 10 years before it will come before the council again. She hopes the council will vote in favor of the library tonight.

Barbara Hildt, 19 Kimball Road – Ms. Hildt feels it is very important for the council to vote tonight in favor of this project. This project comes at an inopportune time with the high school project; no one wants to see their taxes go up. It is important that our library is open for all our citizens. She asks the council to vote in favor tonight.

Claude Gonthier – Mr. Gonthier asks the council to form a citizen committee with people from both sides and set them with a definite period of time to see if they can work out their differences.

President McMilleon – Declares the public comment period closed.

## **LICENSES AND PERMITS**

### **2004-85 Leo P. Legare Auctioner – One day Auctioneer License**

President McMilleon – reads 2004-85 into the record.

Mr. Lagare – Is applying for an Auctioneers License because Royle Feltner hired him to sell the contents of his house. He is licensed and bonded, has been in the business for 25 years. He has already talked to abutters and the police department and hired a detail for the day.

*Councilor Pinierio – I make a motion that we approve as submitted.*

*Councilor Benson – second*

*Voted – Unanimous*

## **MAYOR APPOINTMENTS**

**2004-88 Damian A. Johnson member Board of Assessors term to expire 6/30/2007**

President McMilleon – reads 2004-88 into the record.

Mr. Johnson – I have been an assessor with the City of Salem since high school as an intern. A full time assessor with Salem for 3 years and then went to the Town of Brookline for a year and a half. In between I worked for Patriot Properties and since come back to the Town of Brookline since January.

Councilor Pinierio – Do you reside in Salem?

Mr. Johnson – Yes I do.

*Councilor Benson – I move for approval of 2004-88 as submitted.*

*Councilor Pinierio – second*

*Voted – Unanimous*

**2004-89 John S. Rizza member Board of Health term to expire 6/30/2007**

President McMilleon – reads 2004-89 into the record.

John S. Rizza – I have always believed in community involvement and wanting to give back to the community. Previously, I work on the North Andover Board of Health for 18 years. In my discussions with Mayor Hildt, you have a very talented Board and I hope that my experience and work will compliment that. I am a team player and will work hard for your town.

*Councilor Benson – I move for approval of 2004-89 as submitted.*

*Councilor Pinierio – second*

*Voted – Unanimous*

**2004-90 Parks & Recreation Commission - appointment reorganization**

President McMilleon – reads 2004-90 into the record.

*Councilor Pinierio – I motion that we approve 2004-90 as submitted.*

*Councilor Benson – second*

*Voted - Unanimous*

Recess 8:20 – 8:30

**SECOND READINGS**

**2004-35 An Order to Vote \$3,600,000 to be appropriated for constructing an addition to and remodeling of the Amesbury Public Library – Mayor Hildt sponsor cont.**

President McMilleon – reads 2004-35 into the record.

Councilor Larnard – At this point we do need to come to a decision regarding this issue. I am going to make the motion that the council approves 2004-35 *an order to vote \$3,600,000 to be appropriated for constructing an addition to and remodeling of the Amesbury Public Library.*

Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows:

Ordered: that \$3,600,000 is appropriated for constructing an addition to and for remodeling, reconstructing and making extraordinary repairs to the Amesbury Library, including original equipment and related site improvements; and that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$3,600,000 under G.L. c.44, §7 or any other enabling authority; that the Board of Library Trustees is authorized to contract for and expend any federal or state aid available for the project and to accept and expend any gifts or donations for the project, which aid, gifts or donations shall be expended in addition to the amount appropriated by this order; and that the Board of Library Trustees is authorized to take any other action necessary to carry out this project.

Councilor Pinierio – I object

President McMilleon – I am waiting for a second on this motion.

Councilor King - second

Councilor Pinierio – Why can't I object on this? The last meeting Councilor Lawrence needed more information from the other boards and we haven't received any of it.

Bonnijo Kitchin – On the first occasion that the question on adoption of a measure is put to the municipal council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the municipal council whether regular or special. If one member shall further object, such postponement shall be until the next regular meeting; but for an emergency measure at least three members must object. This procedure shall not be used more than once for any measure notwithstanding any amendment to the original measure.

Councilor Pinierio – I withdraw that.

Councilor Benson – I feel I need to comment on this. I have received more calls and specifically e-mail on this issue than any other issue since I have been on the council, even the high school. One of the first issues I have heard a lot about is design. I don't like the design that has been proposed, I never have. I believe that issues of design should be brought to a different venue. The essential question I feel we are asked here is, does the need outweigh the expense? Although I do have issues with the design I feel the issues with design are handled at a separate venue. I have also heard a lot about support from each side. Each side claiming that they have the support of the public. I don't think anyone knows that. We didn't put this to a vote; I do wish we had then we would have a clear indication but that failed. Now the decision has been left to us. There have been no scientific poles, there really is no indication. The supporters of the library are saying that they have the support because of a questionnaire that was done a few years ago. A lot of people on either side are coming up to me and saying that their opinion is the opinion of the public. I don't think anyone can say that because I don't think anyone knows. In our sort of amateur pole taking via phone calls and e-mails I

would say my response is 50/50. I am put here to make this judgment call and I am going to make it. I have been consistently been one of the more tax conscience councilors, as tax conscience as I can be. Fiscal responsibility doesn't mean you say no to everything. It means you make responsible decisions and you prioritize. To me this is a priority. I have sacrificed in many areas and tried to sacrifice in many more to make this project happen. I haven't always succeeded but, it is a big priority for me. The reason that it is a big priority for me is when you drive by the library right above the door it says free to all. I can't tell you what that means to the neediest citizens of our town. It is huge, it is tremendous. I think this facility is central to our community and I hope the council approves this authorization.

Councilor Lawrence – I would like to state that I am in favor and support the renovation of the library. I agree that we need a new library in which to enter into the 21<sup>st</sup> century but, I am opposed to borrowing additional money to fund the library at this time for a couple of reasons. I do not feel that we are being fiscally responsible to borrow additional monies at this time. Some say \$85 or \$117 is not a great deal of money; to some it is. We need to look at the big picture. It is the sum of all these projects, past, present and in the planning stages that will break the tax payers back. I was elected to help lower the tax burden and I will fight to do so. In the past the tax payers have been very generous in letting us borrow money. The town purchased the farm, the hospital etc. The tax payers were told that when these bonds were paid off that the tax rate would be reduced by this amount; the tax payers are still waiting. Secondly, I don't feel the current design of the library renovation fits in with the historical character of Amesbury that we all fight to preserve. Once it is built, there is nothing that we can do to change it. We need to exhaust all possibilities and reach an acceptable common ground in design. We must do all we can to preserve and protect Amesbury's unique character. I would like to move forward with the renovation of the Amesbury library but, in a more fiscally and responsible way such as fund raising, budget cuts and pro-actively saving for projects like these. Therefore for these reasons I will be voting no on the 3.6 million dollar bond. Further, if the council would like to divide the question and have two votes 1) to approve the appropriation of \$3.6 million therefore making us eligible for the state grant and 2) to approve the \$3.6 million bond. I would vote yes on the appropriation and NO to borrowing the money. We do not have to incur debt to pay for this or any project.

Councilor Benson – One member of the public indicated that there was a sixth member on the council that had previously voted against this, that had switched his vote. I assume that he was talking about me. I would just like to say that there was not switch, we have not voted on this yet. Aside from that I have talked about the library for quite some time. This should not come as a surprise. I have supported this project from the beginning. I have never publicly said anything other than I plan to vote for the library.

Roll Call Vote – 6 Yes, 2 NO (Pinierio, Lawrence)

**2004-51 A Resolution to request that the Municipal Council vote to transfer the Town owned land at 18 Water Street to the Merrimac Valley Regional Transit Authority – Mayor Hildt sponsor cont.**

President McMilleon – reads 2004-51 into the record

Orlando Pacheco – The Mayor's office would request that this be tabled until the next meeting. I will try to provide a status update. The Mayor does not want the ability to transfer the property until we

know that there is a secured purchase and sales agreement for the property. We think that is going to happen but we don't have the exact time frame right now.

*Councilor Benson – I move we continue this until our September meeting.*

*Councilor Pinerio – second*

*Voted – Unanimous*

**2004-78 A Request that the Municipal Council amend Article 45, Sec. II Fines, of the Town of Amesbury Ordinances – Mayor Hildt sponsor**

President McMilleon – reads 2004-78 into the record

Councilor Woodsom – The finance committee recommended adoption and I make a motion to accept as submitted.

Councilor Benson – second

Roll Call Vote – Unanimous

**2004-83 An Act authorizing the Town of Amesbury to establish a Tourism Promotion Fund – Councilor Christopher Lawrence sponsor**

President McMilleon – reads 2004-83 into the record

*Councilor Woodsom – The finance committee made no recommendation, continued it to their next finance committee meeting and to have Joe Fahey and Mike Basque present. I make a motion that this be tabled to our September council meeting.*

*Councilor Benson – second*

*Voted – Unanimous*

**2004-84 An Order to request the Municipal Council accept a Skin Cancer Protection Mini-Grant in the amount of \$1,965.00 – Mayor Hildt sponsor**

President McMilleon – reads 2004-84 into the record

*Councilor Woodsom – The finance committee recommended adoption, I move the recommendation of the finance committee.*

*Councilor Benson – second*

Roll Call Vote – Unanimous

**NEW BUSINESS**

**2004-86 An Ordinance to delete e) from Section IX paragraph B.1 from the Town of Amesbury Zoning By-law – Mayor Hildt sponsor**

President McMilleon – reads 2004-86 into the record

*Councilor Woodsom – I move we refer this to the Planning Board and Ordinance committee.*

*Councilor Pinierio – second*

*Voted – 7 Yes, 1 Not present (Benson)*

**2004-87 An Ordinance to accept a donation of 13.23 acres of land from Mark E. Wojcicki and John J. McPartland, Trustees of M&J Realty trust to the Town of Amesbury – Mayor Hildt sponsor**

President McMilleon – reads 2004-87 into the record

*Councilor Woodsom – I have a motion to refer this to the Planning Board and Ordinance Committee.*

*Councilor Pinierio – second*

*Voted – 7 Yes, 1 not present (Benson)*

**2004-91 An Ordinance to accept a donation of 5 parcels of land from Merrimack Landing LLC to the Town of Amesbury – Mayor Hildt sponsor**



President McMilleon – reads 2004-91 into the record

*Councilor Woodsom – I would like to make a motion to refer this to the Planning Board and the Ordinance Committee.*

*Councilor Pinierio – second*

*Voted – Unanimous*

**2004-92 A Request that the Municipal Council vote to accept an easement from Pride Restoration for the purposes of constructing a riverwalk – Mayor Hildt sponsor**

President McMilleon – reads 2004-92 into the record

*Councilor Lawrence – I move we refer this to the Ordinance Committee and Planning Board*

*Councilor Pinierio – second*

*Voted – Unanimous*

**2004-93 Accept resignation of Jeani Driscoll – member of the Amesbury Housing Authority Board and schedule a joint meeting with the Amesbury Housing Authority**

President McMilleon – reads 2004-93 into the record

Councilor Benson – I move we accept 2004-93 as a late file

Councilor Woodsom – second

Voted – Unanimous

Councilor Benson – I move we schedule a joint meeting with the Housing Authority at 7:00PM, Sept. 21<sup>st</sup> Council meeting, applications will be accepted in the Clerks office until September 10<sup>th</sup>.

Councilor Woodsom – second

Voted – Unanimous

**MAYOR COMMUNICATIONS**

Organic Farm Presentation – Mr. Russ Barry memo attached